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Johns-Manville Disposal Area, Waukegan, Illinois
Lake County/L0971900014
Superfund/Enforcement

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CONFIDENTIAL MEMORANDUM

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

DATE: December 9, 1986
TO: Gary King, Senior Attorney, Enforcement Section, DLPC/IEPA
FROM: Kurt Neibergall, Project Manager, FSMU/RPMS/DLPC/IEPA *KDN*
SUBJECT: ARAR's under S.A.R.A for Above Referenced Site

The USEPA RPM for this Federal - lead RI/FS has verbally requested that I submit State applicable or relevant and appropriate standards, requirements, criteria or limitations (ARAR's) for this site per Section 121d.2A.c.(iii) of the Superfund Amendments and Reauthorization Act (SARA).

It appears, from the information in the Superfund files, that in 1982-83, the Division was pursuing requiring a permit for on-site disposal of manufacturing wastes due to the plant's environmentally sensitive location in wetland areas along the Lake Michigan shoreline. This action ceased when a Federal order was developed to carry out the RI/FS in 1984.

The State had been informally involved in technical review of RI and draft FS work. This past spring it became apparent that on-site capping of the waste disposal area was appropriate. At that time the USEPA RPM was informed of General State Design Standards for Closure of Non-Hazardous Landfills (see attached April 9, 1986 letter from Jeff Larson).

USEPA has retained the services of Mr. Dick McGaw, a private consultant who is a technical expert in the field of soil upfreezing effects of asbestos, which is the primary waste to be remediated. There have been two cap design negotiating meetings and several phone conference calls to gather specific site information. Manville's expert has currently concluded that 18" of local clayey sand material would be adequate for the basic cap design. Mr. McGaw is finalizing his calculations which, as indicated by the USEPA RPM, would call for a thickness of between 21" and 24".

Originally, the USEPA was calling for a thickness of between 36" and 42" based on comparisons with similar site work in the eastern United States. This thickness would have exceeded our State standard, although the quality of the material would probably not have met the clay content requirements. The company and their consultant, KHA, Inc., have concluded based on the limited sampling in the RI, and the alkaline binder in the wastes, that groundwater contamination should not be a concern for this site.



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Since assuming project management responsibilities, I have pushed for the inclusion of a detection mode groundwater monitoring network in the solid waste area as the company has indicated that metals, coal tars and solvents, among other waste products, have been disposed of on-site, although a lengthy plant history with inadequate recordkeeping has not allowed for location and quantification of these wastes. Significant amounts of lead have been the only contaminant to show up in RI sampling work.

The USEPA RPM is in agreement that a detection monitoring network is needed. A site specific list of compounds to monitor for, besides the basic indicator parameters has been suggested. With an adequate contingency clause requiring the company to undertake more remedial work should groundwater contamination be confirmed, I feel that the State could concur with the capping program being developed to mitigate upward mobility of asbestos wastes in the landfill. This would probably mean a deviation from State criteria for soil quality, as a design to limit these freeze/thaw effects calls for "non-frost susceptible" soil if possible, which is apparently what is available locally. These sandy soils would not promote the usual purpose of the clay cap, which is to limit infiltration of rainfall into the waste body.

The other cap parameter to be considered is the thickness. The State standards call for a two foot minimum thickness. The USEPA position may fall short of this. If we concur with their recommendation, we would again obviously be deviating from the regulations. My personal opinion is that the State should agree with the site specific thickness developed/negotiated by USEPA, as long as a Quality Groundwater Monitoring Network and Sampling Plan is included to measure the success of the remedial action proposed.

I have discussed this situation with Don Gimbel. Another negotiating meeting with Manville is tentatively scheduled for December 16, 1986. It would be advantageous to present the State's position on the following issues at that time:

1. Does the Agency still hold the position that this Section 21d of the Environmental Protection Act does not apply to this facility?
2. What ARARs are enforceable? (Specifically, are the DLPC waste management facilities design criteria for Class II landfill sites applicable?)
3. Should we (from Enforcement's viewpoint) consider a variance from the Environmental Protection Act, Subtitle G, Chapter I, Subchapter i, Part 807? And, if so, what is the appropriate mechanism to follow?



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I would appreciate your immediate consideration of these, and any other related issues I have failed to raise. If you require further site background, do not hesitate to contact me at 782-9843. Thank you for your cooperation in this matter.

KN:rd0892g/73-75

Attachment

cc: Bob Cowles
Don Gimbel
Charlie Zeal

DIV. FILE

GLENN S. 12/11



217/782-6761

Refer to: L109719014 -- Lake County
Waukegan -- Johns-Manville
Superfund -- Gen. Correspondence

April 9, 1986

^{Al}
Rodney Gurthier 5HR11
USEPA - Region V
230 South Dearborn
Chicago, Illinois 60604

Dear Rodney:

The following details may help you in the development of your letter to Johns-Manville and KMA.

Note, all of the following sections were taken from the Illinois Pollution Control Board, Environmental Protection Act, Title 35 - Subtitle G, Chapter I, subchapter i, Part 807.

1. Subpart A, Section 807.104 (p. 213) definition of "waste".
2. Subpart E, Section 807.501(a) (p. 218) closure plan refers you to Subpart C.
3. Subpart C, Section 807.305(c) (p. 216) final cover.
4. Waste Management Facilities Design Criteria for a Class II Landfill Site (non-hazardous) IV cover material D1 & 2 (p. 12).

The IEPA would expect you to place in your letter that Johns-Manville would be expected to file a closure-post-closure plan as stated in Subpart E, Section 807.503.



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I hope this helps you out.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Larson", with a long horizontal flourish extending to the right.

Jeff Larson
Project Manager, FSMU
Division of Land Pollution Control

JL:ct/809F,16

cc: Bob Cowles
Division File
Author
Gloria Craven
Don Gimbel
Karen Yeates
Norm Niedergang
Dan Caplia *ce*
Ken Bechely